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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,998	06/29/2001	Franz Cemic	2098L/49970	5656

7590

08/01/2003

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EXAMINER

LAVARIAS, ARNEL C

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,998

Applicant(s)

CEMIC ET AL.

Examiner

Arnel C. Lavarias

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 3, 4, 7 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicants' election with traverse of Species I, Claims 2 and 6, in Paper No. 7, dated 6/9/03, is acknowledged. Although traversed, the Applicants did not distinctly and specifically point out the supposed errors in the restriction requirement.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 3-4, 7-8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7, dated 6/9/03.

Specification

3. The disclosure is objected to because of the following informalities:

Page 16, line 4- '26' should read '17'

Page 16, line 9- '7' should read '17'.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsuji (U.S. Patent No. 6285855).

Tsuji discloses an illumination device (See for example Figure 6) having a light source (See 1 in Figure 6); an optical waveguide (See 4 in Figure 6); a coupling-in optical system which couples the light of the light source into a first end of the waveguide (See 91, 92, 2, 3 in Figure 6); a coupling-out optical system which couples out the light emerging from a second end of the optical waveguide (See 5 in Figure 6); and an illumination optical system (See 93 in Figure 6) which receives the light emerging from the coupling-out optical system and illuminates an imaging field (See 94 in Figure 6), the illumination device further comprising an optical fiber bundle which is arranged as the optical waveguide (See 4 in Figure 6; col. 4, line 43-col. 5, line 28); and a homogenizing optical system which is arranged between the coupling-out optical system and the illuminating optical system (See 7 in Figure 6), wherein the homogenizing optical system homogenizes the nonuniform intensity distribution in the image field of the light emerging from the optical fiber bundle (See col. 5, lines 29-43), wherein the homogenizing optical system comprises a micro-honeycomb condenser (See 7 in Figure 6; col. 5, lines 29-43) and a lens member (See 8 in Figure 6) which superimposes the exit opening of the fiber bundle in an intermediate image plane to form a homogeneous intermediate image (See for example 9 in Figure 6).

6. Claims 1-2, 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki (U.S. Patent No. 5608575).

Suzuki discloses a coordinate measuring instrument including an illumination device (See Figure 4), the coordinate measuring device having a horizontally X-Y displaceable measurement stage (See 45 in Figure 4) for receiving a substrate with a feature that is to be measured (See 43 in Figure 4); an illumination system; and a detector device for determining the position of the feature (See 47, 48 in Figure 4); and the illumination device having a light source (See 11, 12 in Figure 4); an optical waveguide (See 15 in Figure 4); a coupling-in optical system which couples the light of the light source into a first end of the waveguide (See 12, 13, 14 in Figure 4); a coupling-out optical system which couples out the light emerging from a second end of the optical waveguide (See 16a, 16b, 17, 18 in Figure 4); and an illumination optical system (See 28, 42 in Figure 4) which receives the light emerging from the coupling-out optical system and illuminates an imaging field (See 41, 46a, 46b, 43 in Figure 4); the illumination device further comprising an optical fiber bundle which is arranged as the optical waveguide (See 15 in Figure 4; col. 10, lines 35-58); and a homogenizing optical system which is arranged between the coupling-out optical system and the illuminating optical system (See 19 in Figure 4), wherein the homogenizing optical system homogenizes the nonuniform intensity distribution in the image field of the light emerging from the optical fiber bundle (See col. 10, line 59-col. 11, line 35), wherein the homogenizing optical system comprises a micro-honeycomb condenser (See 19 in Figure 4; col. 11, lines 19-35) and a lens member (See for example 22 in Figure 6) which superimposes the exit opening of

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the fiber bundle in an intermediate image plane to form a homogeneous intermediate image (See for example 24 in Figure 4; col. 12, lines 24-50).

Conclusion

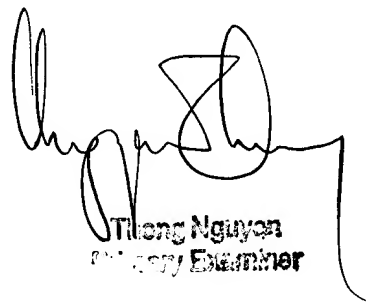
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 703-305-4007. The examiner can normally be reached on M-F 8:30 AM - 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 703-305-0024. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.



Arnel C. Lavarias
July 24, 2003



Theng Nguyen
Primary Examiner